

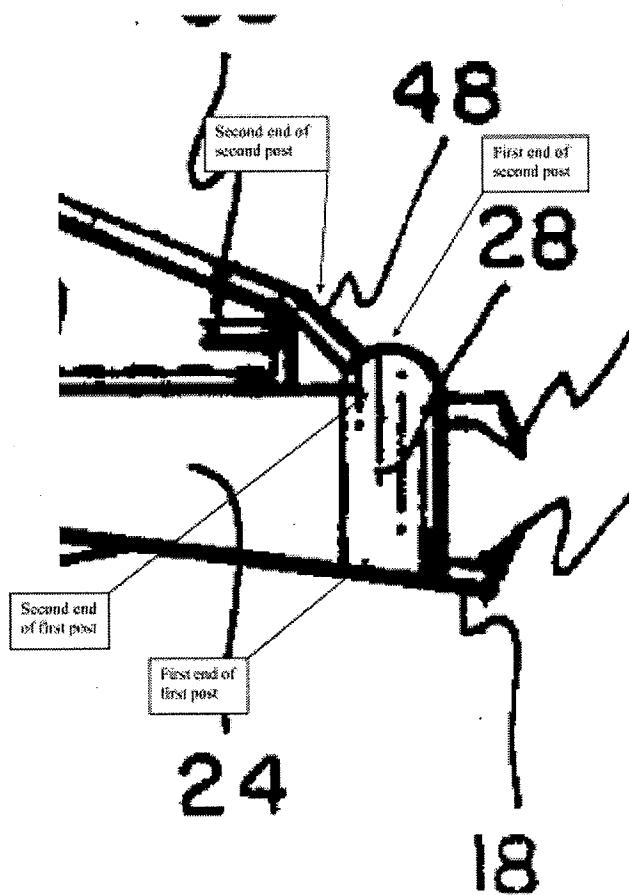
REMARKS

Claims 1, 22, and 23 have been amended. Claims 30-33 have been newly added. Claims 16 and 28 stand withdrawn. Claims 1, 5-8, 16, 17, 20, 22-33 are pending in the application. Applicants reserve the right to pursue the original claims and other claims in this and other applications.

Claims 1, 5-8, 17, 20, 22-27, and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,614,031 ("Chen") in view of U.S. Patent No. Des. 392,419 ("Litton"). This rejection is respectfully traversed.

Claim 1 recites "a lever having a distal end, a proximal end, and a bottom surface, the bottom surface coupled to the second end of the second post, the proximal end of the lever connected to the proximal end of the top elongated member, and the lever disposed and adapted to cause movement of the cutting edges between a cutting position and non-cutting position." The Chen and Litton combination does not teach or suggest this limitation, or otherwise render claim 1 obvious.

The Office Action characterizes the "cover depressing lever 44" of Chen as a lever, the "resilient cover plate 32" of Chen as a top elongated member, the "front wall end 28" of Chen as a first post, and the "lever lug end 48" of Chen as a second post. (Office Action, page 2). The Office Action further characterizes the features of Chen as shown on page 3 of the Office Action in the modified version of FIG. 2 of Chen, reproduced below.



Even assuming, *arguendo*, that the characterizations made by the Office Action are correct, Chen does not teach or suggest that "the proximal end of the lever [is] connected to the proximal end of the top elongated member" as recited by claim 1. To the contrary, Chen shows that the proximal end of the cover depressing lever 44 (lever) is connected to an end of the lever lug end 48 (second end of the second post). (Chen, FIG. 2). Litton is only cited for teaching the use of a bumper and does not cure the deficiencies of Chen.

Since the Chen and Litton combination does not teach or suggest all of the limitations of claim 1, claim 1 is not obvious over the cited references. Claims 5-8, 17, and

29 depend from claim 1 and are patentable at least for the reasons mentioned above. Applicant respectfully requests that the rejection be withdrawn and the claims allowed.

Claim 22 recites "a lever having a bottom surface coupled to the second end of the second post at substantially a right angle, the lever disposed and adapted to cause movement of the cutting edges between a cutting position and non-cutting position, the lever including a thumb accepting depression." The Chen and Litton combination does not teach or suggest this limitation, or otherwise render claim 22 obvious.

The Office Action characterizes the "cover depressing lever 44" of Chen as a lever and the "lever lug end 48" of Chen as a second post. (Office Action, page 2). The Office Action further characterizes the features of Chen as shown on page 3 of the Office Action in the modified version of FIG. 2 of Chen, reproduced above.

Even assuming, *arguendo*, that the characterizations made by the Office Action are correct, Chen does not teach or suggest "a lever having a bottom surface coupled to the second end of the second post at substantially a right angle" as recited by claim 22. To the contrary, Chen shows that the proximal end of the cover depressing lever 44 (lever) is connected to an end of the lever lug end 48 (second end of the second post) at an obtuse angle. (Chen, FIG. 2). Litton is only cited for teaching the use of a bumper and does not cure the deficiencies of Chen.

Since the Chen and Litton combination does not teach or suggest all of the limitations of claim 22, claim 22 is not obvious over the cited references. Claim 20 depends from claim 22 and is patentable at least for the reasons mentioned above. Applicant respectfully requests that the rejection be withdrawn and the claims allowed.

Claim 23 recites “a lever having a distal end, a proximal end, and a bottom surface, the second end of the second post coupled to the bottom surface of the lever at a position between the distal end and proximal end of the lever, the lever disposed and adapted to cause movement of the cutting edges between a cutting position and a non-cutting position.” The Chen and Litton combination does not teach or suggest this limitation, or otherwise render claim 23 obvious.

The Office Action characterizes the “cover depressing lever 44” of Chen as a lever, and the “lever lug end 48” of Chen as a second post. (Office Action, page 2). The Office Action further characterizes the features of Chen as shown on page 3 of the Office Action in the modified version of FIG. 2 of Chen, reproduced above.

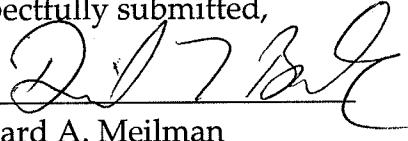
Even assuming, *arguendo*, that the characterizations made by the Office Action are correct, Chen does not teach or suggest that “the second end of the second post [is] coupled to the bottom surface of the lever at a position between the distal end and proximal end of the lever” as recited by claim 23. To the contrary, Chen shows that the lever lug end 48 (second end of the second post) is connected to an end of the cover depressing lever 44 (lever). (Chen, FIG. 2). Litton is only cited for teaching the use of a bumper and does not cure the deficiencies of Chen.

Since the Chen and Litton combination does not teach or suggest all of the limitations of claim 23, claim 23 is not obvious over the cited references. Claims 24-27 depend from claim 23 and are patentable at least for the reasons mentioned above. Applicant respectfully requests that the rejection be withdrawn and the claims allowed.

In view of the above, Applicants believe the pending application is in condition for allowance.

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Respectfully submitted,

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